

REMARKS

Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-8, 11, 16, 20-29, 31-40, 42, 43, 46-57 and 54-68 were pending. Claims 6-8, 11-16, 27-29, 38-40, 42, 43, 46-50, 54-57 and 60-68 are cancelled by this reply without prejudice or disclaimer. With respect to the pending claims, claims 1, 20, and 31 are independent. The remaining claims depend, directly or indirectly, from claims 1, 20, and 31.

Drawings

Applicant respectfully requests the Examiner to indicate whether the originally filed drawings are acceptable.

Claim Amendments

Claims 1, 20, and 31 have been amended to clarify the invention. Support for the amendments may be found, for example, at p. 11, l. 25 - p. 12, l. 4; p. 22, ll. 22-24; p. 25, l. 15 - p. 27, l. 24; and p. 51, ll. 4-17 in the originally filed specification. Further, claims 3, 22, and 33 have been amended for consistency with claims 1, 20, and 31, respectively. Support for the aforementioned amendments may be found, for example, on p. 12, l. 2 of the originally filed specification. No new matter has been added by any of the aforementioned amendments.

Rejection under 35 U.S.C. § 112

Claims 60-62 stand rejected under 35 U.S.C. § 112, first paragraph. Claims 60-62 have been cancelled by this reply. Accordingly, this rejection is now moot.

Rejections under 35 U.S.C. § 103

Claims 1-5, 20-26, and 31-37, and 58-62 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,728,670 (“Schenkel”) in view of U.S. Patent No. 6,516,345 (“Kracht”) and U.S. Patent No. 6,760,850 (“Atkinson”). This rejection is respectfully traversed.

35 U.S.C. § 103 provides the statutory definition of obviousness. The framework for applying 35 U.S.C. § 103 was initially set out by the Supreme Court in *Graham v. John Deere Co.*, 86 S.Ct. 684 (1966). This framework was reaffirmed by the court in *KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734 (2007). Based on the above framework, one rationale that may be used to support a conclusion of obviousness is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. *See KSR*, 127 S.Ct. at 1739. In the instant case, the Examiner, in articulating the analysis used to reject the claims under 35 U.S.C. § 103, has used the above rationale to support a rejection of obviousness in view of Schenkel, Kracht, and Atkinson. *See Office Action* dated February 20, 2009 (“Office Action”), pp. 4-7.

Amended independent claims 1, 20, and 31 require, in part, (i) changing the power state of the first network device from either (a) off¹ to on or (b) from on to off; (ii) identifying whether an alteration occurs at a second network device in response to changing the power state of the first network device; (iii) wherein the alteration corresponds to an indication of a new active link to the second network device when (a) is performed; and (iv) wherein the alternation corresponds to an indication of a new inactive link to the second network device when (b) is performed.

Said another way, the claimed invention determines the presence of a logical connection between two network devices by turning “on” (from an “off” power state) or turning off (from an “on” power state) a first network device and determines whether there is a new active link (*i.e.*, there is a link that was not previously active prior to turning on the first network device that is now active after the first device is turned on) or a new inactive link (*i.e.*, there is a link that was not previously inactive prior to turning off the first network device that is now inactive after the first device is turned off) on the second network device. *See e.g.*, Originally-filed Specification, pp. 11-12, 25-26, 50-51.

Turning to the rejection, Applicant asserts that Schenkel fails to disclose or render obvious at least the following limitations (i)-(iv) recited above. Specifically, Schenkel is directed to determining network topology by sending packets to network devices and then monitoring which of the network devices received the packets and when the network devices received the packets. Based on the monitoring, a network topology may be determined. *See* Schenkel, Abstract, Fig. 3. However, Schenkel is completely silent with respect to turning a network device on or off

¹ One skilled in the art would understand that a network device that is turned off cannot receive packets. If the Examiner disagrees with this interpretation of the term “off”, the Examiner is encouraged to provide documentary evidence which supports the Examiner’s position as to the meaning of the term “off.”

(depending on whether it is initially on or off) and then monitoring whether a link status on another network device changes (*e.g.*, a link goes from active to inactive or from inactive to active).

Further, Kracht fails to disclose or otherwise provide that which Schenkel lacks. Specifically, Kracht is directed to sending packets over the network to obtain layer 2 and layer 3 configuration information for network devices. Based on this information, the network topology is determined. *See* Kracht, Abstract, Fig. 8. Like Schenkel, Kracht relies upon a packet based discovery mechanism to ascertain the network topology. However, like Schenkel, Kracht is completely silent with respect to turning a network device on or off (depending on whether it is initially on or off) and then monitoring whether a link status on another network device changes (*e.g.*, a link goes from active to inactive or from inactive to active).

Finally, Atkinson also does not disclose or otherwise provide that which Schenkel and Kracht lack. Specifically, Atkinson is directed to a method for powering a wake-up device, which may be subsequently used to “wake-up” a system. *See* Atkinson, Abstract. However, there is no disclosure in Atkinson related to turning a network device on or off (depending on whether it is initially on or off) and then monitoring whether a link status on another network device changes (*e.g.*, a link goes from active to inactive or from inactive to active).

In view of the above, none of the prior art references, whether considered separately or in combination, discloses or renders obvious all the limitations of amended independent claims 1, 20, and 31. Thus, claims 1, 20, and 31 are patentable over the cited prior art. Further, pending dependent claims are patentable over the cited prior art for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33227/452001).

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Respectfully submitted,

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